

ENFORCEMENT CONFIDENTIAL – Not Releasable Under Freedom of Information Act
 Spill Prevention Control and Countermeasures Inspection
COMPLIANCE INSPECTION REPORT
Aloha Petroleum East, Hilo Hawaii
Inspection Date: November 7, 2011
SPCC Case No.: 12-4015

Administrative Information

						Draft	Final
SPCC Case #	12-4015	Inspection Date	11/7/11	Report Date	2/22/12	Report Version	Final
	Name	Address	City	State	Zip	Check if same as above	
Facility	Aloha Petroleum East	999 Kalanianeʻole Blvd.	Hilo	HI	96720		
Owner Name	Aloha Petroleum	1132 Bishop Street Suite 1700	Honolulu	HI	96813		
Operator Name						X	
Facility Startup		Hours of Operation	8	hrs/day	6	days/wk	

Additional Info

Aloha Petroleum East, located in Hilo, Big Island Hawaii is subject to both SPCC and FRP requirements (greater than 1,000,000 gallons in aggregate combined storage capacity and in proximity to fish, wildlife and sensitive environments, and the facility has a marine terminal for over-water transfers. The deadline for compliance with FRP Rules occurred on November 10, 2010. As of the date of this inspection, the facility had not complied with FRP requirements by amending their SPCC plan to conform to the 2002 SPCC Rule requirements along with recertification by a professional engineer. The SPCC Plan being implemented at the facility at the time of the inspection was out of date. The facility was found to be in violation of SPCC and FRP requirements.

Additionally, on November 1, 2011, while taking receipt of Ultra Low Sulfur Diesel fuel into a tank from a barge at the wharf in Hilo Harbor, operator error occurred and the tank was overfilled by approximately 14,000 gallons, which spilled into the secondary containment basin. Based on calculations provided by the facility, of the 14,000 gallons spilled, only 65 gallons were recovered. The remaining 13,000 plus gallons percolated through the earthen material that formed the secondary containment basin and was unrecoverable. Based on the spill event and inspection findings, Aloha is in violation of SPCC and FRP requirements. The findings are presented below.

Inspectors

Name	Agency/Company	Phone
Peter Reich	U.S. Environmental Protection Agency	415-972-3052
Elizabeth Galvez	Hawaii DoH, HEER Office, Honolulu HI	808-586-4399
John Peard	Hawaii DoH, HEER Office, Hilo, HI	808-933-9921

Primary Facility Contacts

Name	Title	Phone
Wayne Condit	General Manager, Terminals and Transportation Aloha Petroleum Ltd. Honolulu, Hawaii	808-522-9777

Facility Description

Type of Business:	NAICS Code	<u>424710</u>	Description	Oil, petroleum, bulk stations and terminals		
Petroleum Storage:	Total Gallons	<u>1,762,572</u>	No. of ASTs	<u>7</u>	Total AST Gallons	<u>1,762,572</u>
Gasolines, ULS Diesel, additives			No. of USTs	<u>NA</u>	Total UST Gallons	

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COMPLIANCE INSPECTION REPORT**No. of PCs** various**Total PC Gallons** 200 - 600**No. of Op. equip
using oil** _____**Total Gallons** _____**Facility Information:** **Total Acreage** _____**Wholly contiguous site?** Yes ☒ No ☐**Surface Water:** **Nearest Water Body Name:** Hilo Harbor/Pacific Ocean **Distance to Water Body:** ¼ mile**Drainage Pathway to Nearest Water
Body:** Surface drainage and storm drains all eventually lead to the harbor and Pacific Ocean.**Inspection Scope**

This inspection was conducted in conformance with the protocol outlined in U.S. Environmental Protection Agency (EPA) Region IX Draft "SPCC Inspection Protocol" dated January 10, 2003, to ascertain the facility's compliance with the Final Rule for Title 40 *Code of Federal Regulations* (40 CFR) Part 112 published on July 17, 2002, and recent amendments promulgated in 2006 and later.

Findings

During the physical inspection of the facility, tankage, operational equipment using oil, drainage control systems, piping and secondary containment areas were inspected for conformance to 40 CFR Part 112 guidelines. The physical extent of the inspection and findings are summarized as follows:

Deficiencies

For purposes of this section, findings are categorized as either deficiencies or areas of concern (AOC). Deficiencies are violations of federal guidelines requiring correction. AOCs are observations or substandard work practices for which action is recommended.

Deficiency Number:	1
Type :	Plan Review
Observation:	P.E. Attestation inadequate.
Requirement:	40 CFR §112.3(d): Except as provided in §112.6, a licensed Professional Engineer must review and certify a Plan for it to be effective to satisfy the requirements of this part. (1) By means of this certification the Professional Engineer attests: (i) That he is familiar with the requirements of this part ; (ii) That he or his agent has visited and examined the facility; (iii) That the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part; (iv) That procedures for required inspections and testing have been established; and (v) That the Plan is adequate for the facility.
Deficiency Number:	2
Type :	Plan review
Observation:	The Current SPCC Plan is out of date. The Compliance deadline for facilities subject to the Facility Response Plan requirements and the 2002 SPCC Rule was November 10, 2010: (http://www.epa.gov/emergencies/content/spcc/compliance_dates.htm)

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Requirement:	<p>40 CFR §112.7: General requirements for Spill Prevention, Control, and Countermeasure Plans.</p> <p>If you are the owner or operator of a facility subject to this part you must prepare a Plan in accordance with good engineering practices. The Plan must have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan. You must prepare the Plan in writing. If you do not follow the sequence specified in this section for the Plan, you must prepare an equivalent Plan acceptable to the Regional Administrator that meets all of the applicable requirements listed in this part, and you must supplement it with a section cross-referencing the location of requirements listed in this part and the equivalent requirements in the other prevention plan. If the Plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, you must discuss these items in separate paragraphs, and must explain separately the details of installation and operational start-up. As detailed elsewhere in this section, you must also:</p> <p>(a)(1) Include a discussion of your facility's conformance with the requirements listed in this part.</p> <p>And</p> <p>40 CFR §112.20, Facility Response Plan requirements.</p>
Deficiency Number:	3
Type :	Plan Review and Inspection
Observation:	<p>Based on visual observations made by the inspector during the inspection as well as from details provided by the operator, the secondary containment basin is not sufficiently impervious to contain spill oil. The Ultra Low Sulfur Diesel tank that was overfilled is shown in Photo No. 1. The containment basin where the fuel percolated through the earthen basin material is shown in Photo Nos. 2 and 3.</p>

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Requirement:	<p>40 CFR §112.7(c): Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge as described in §112.1(b), except as provided in paragraph (k) of this section for qualified oil-filled operational equipment. <i>The entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank, will not escape the containment system before cleanup occurs.</i> In determining the method, design, and capacity for secondary containment, you need only to address the typical failure mode, and the most likely quantity of oil that would be discharged. Secondary containment may be either active or passive in design. At a minimum, you must use one of the following prevention systems or its equivalent:</p> <p>(1) For onshore facilities:</p> <p>(i) Dikes, berms, or retaining walls sufficiently impervious to contain oil; (ii) Curbing or drip pans; (iii) Sumps and collection systems; (iv) Culverting, gutters, or other drainage systems; (v) Weirs, booms, or other barriers; (vi) Spill diversion ponds; (vii) Retention ponds; or (viii) Sorbent materials.</p> <p>And,</p> <p>40 CFR §112.8(c)(2): Construct all bulk storage tank installations so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. <i>You must ensure that diked areas are sufficiently impervious to contain discharged oil.</i> Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.</p>
AOC:	1
Type :	Inspection and Plan Review
Observation:	<p>Facility relies on operational procedures such as strapping tanks prior to receipt and direct communication between the barge at the Marine Terminal and the operator at the tank. This procedure is not clearly defined or specified in the SPCC Plan, or may be inadequate. The procedure should be clearly spelled out in the SPCC Plan and certified as good engineering practice by the P.E.</p>

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Requirement:	<p>40 CFR §112.8(c)(8) Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:</p> <p>(i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities an audible air vent may suffice.</p> <p>(ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level.</p> <p>(iii) Direct audible or code signal communication between the container gauger and the pumping station.</p> <p>(iv) A fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers.</p> <p>(v) You must regularly test liquid level sensing devices to ensure proper operation.</p>
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Acronyms

API American Petroleum Institute

AOC Area of concern

AST Aboveground storage tank

CFR *Code of Federal Regulations*

NAICS North American Industry Classification System

OWS Oil/water separator

PC Portable containers

SPCC Spill Prevention Control and Countermeasure

UST Underground storage tank

WWTS Wastewater treatment system

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Photographs



Photo No. 1: Tank No. 2, at left, which was overfilled causing the release of Ultra Low Sulfur Diesel to the containment basin, which proved to be extremely pervious.

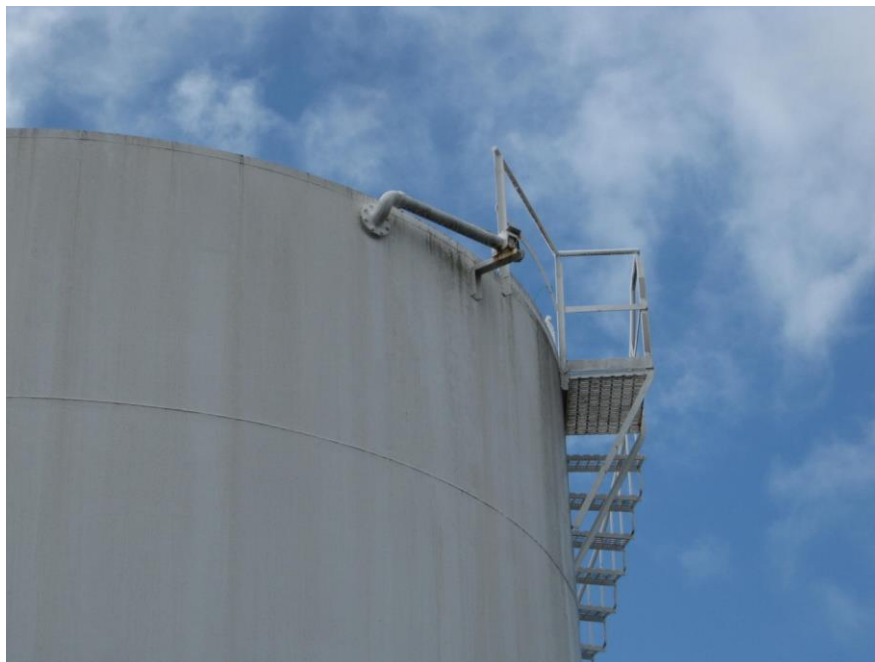


Photo No. 2: The top of Tank No. 2 and overfill vents where ULS Diesel was discharged as a result of overfilling.

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Photo No. 3: Earthen materials used in the secondary containment basin of the tank farm are not adequate to contain spilled oil. This hole shows the type of material and porous nature of the containment.



Photo No. 4: Earthen material with some excavation at the location where the ULS Diesel spilled into the containment basin and percolated to the substrate before cleanup could occur. Note the permeable nature of the material.